

30%," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 1, 1931, the Hoosier Condensed Milk Co., Bluffton, Ind., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18267. Adulteration of tomato catsup. U. S. v. 62 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 25972. I. S. No. 8881. S. No. 3933.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 62 cases of tomato catsup, remaining in the original unbroken packages at McKeesport, Pa., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., on or about September 27, 1930, and had been transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Purity Brand High Grade Tomato Ketchup."

It was alleged in the libel that the article was adulterated in that it consisted partly of a decomposed vegetable substance.

On March 31, 1931, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18268. Adulteration of oysters. U. S. v. 5 Gallons of Oysters. Default decree of destruction entered. (F. & D. No. 25966. I. S. No. 12276. S. No. 4240.)

Samples of oysters from the shipment herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On February 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 gallons of oysters, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the N. P. Housman Oyster Co., from New York, N. Y., on or about February 16, 1931, and had been transported from the State of New York into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From N. P. Housman Oyster Co. * * * New York."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for oysters, which the said article purported to be.

On April 25, 1931, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18269. Adulteration and misbranding of canned turnip greens. U. S. v. 140 Cases, et al., of Turnip Greens. Product released under bond. (F. & D. No. 25400. I. S. No. 3982. S. No. 3663.)

Samples of canned turnip greens from the shipment herein described having been found to be decomposed, and labeled with unwarranted health claims, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On December 1, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 238 cases, each containing 2 dozen cans of turnip greens, remaining in the original unbroken packages at Asheville, N. C., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about October 13, 1930, and had been transported from the State of Georgia into the State of North Carolina, and charging adulteration and mis-

branding in violation of the food and drugs act as amended. The article was labeled in part: "Sunshine Brand * * * Turnip Greens Packed by Pomona Products Co., Griffin, Ga. * * * Eat Greens to Insure Good Health."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Eat Greens to Insure Good Health," was false and misleading. Misbranding was alleged for the further reason that the statement, "Eat Greens to Insure Good Health," appearing on the label, regarding the curative or therapeutic effect of the article, was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On January 16, 1931, the Pomona Products Co., Griffin, Ga., having appeared as claimant for the property, a decree of the court was entered ordering that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$550, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18270. Adulteration and misbranding of hickory nuts. U. S. v. 290 Bags of Hickory Nuts. Allegations of libel admitted by claimant. Product released under bond to be reconditioned. (F. & D. No. 25827. I. S. No. 641. S. No. 3938.)

Samples of hickory nuts from the shipment herein described having been found to be wormy, moldy, shriveled, and rancid, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On January 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 290 bags of hickory nuts, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Denver, Colo., on or about January 13, 1931, and had been transported from the State of Colorado into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Alex Woldert Co., Tyler, Tex., entered an appearance as claimant, representing that it was the owner of the property, which had been shipped by claimant to the Charles L. Kraft Mercantile Co., Denver, Colo., who in turn shipped it to Los Angeles. Claimant further admitted all allegations of the libel and prayed release of the product upon filing bond and payment of costs of the proceedings and of reconditioning the goods under the supervision of this department. On April 20, 1931, bond having been filed by claimant in the sum of \$1,000, the court ordered that the product be released for reconditioning. On May 25, 1931, the product having been sorted and the bad nuts destroyed, it was ordered that release be made permanent and the bond exonerated upon payment of all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18271. Adulteration of evaporated apples. U. S. v. 11 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25990. I. S. No. 23995. S. No. 4258.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture and to show worm infestation, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Oklahoma.

On March 5, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 boxes of evaporated apples at Enid, Okla., consigned by Claypool & Hazel, Springdale, Ark., alleging that the article had been transported in interstate commerce from Springdale, Ark., into the State of Oklahoma, on or about February 2, 1931, and charging adulteration in violation of